

3. Responses to Comments on the Draft EIR

The 45-day public review period for the Draft EIR began on September 27, 2004, and ended on November 10, 2004. During the public review period, eight sets of written comments were received from individuals, organizations, and agencies. One additional letter was received after the comment period (November 18, 2004), but is also addressed below. The persons, organizations, and agencies that submitted comments on the Tehachapi East Afterbay Draft EIR are listed in Table 3-1 below. Copies of the written comments are presented on the following pages. Each of the comment documents has been given a number designation, and the comments in each document have been individually identified with a letter designation (a, b, c, etc.). Following each comment document are responses that have been prepared for each comment. Responses are numbered to correspond to the letter and comment numbers.

Table 3-1. Written Comments Received on the Draft EIR

Comment Set Number	Commenter	Comment Numbers
1	Department of Water Resources, Division of Safety of Dams	1a
2	Southern California Association of Governments	2a
3	Department of Fish and Game	3a – 3g
4	Department of Transportation, District 7	4a, 4b
5	National Cement Company	5a
6	Mary Ann Lockhart	6a, 6b
7	Linda MacKay	7a
8	Lahontan Regional Water Quality Control Board	8a, 8b
9	State of California, Department of Conservation	9a – 9e

State of California

The Resources Agency

Memorandum

Date: OCT 1 2004

To: 1. Nadell Gayou
Resources Agency Project Coordinator
Environmental Review Section, DPLA
901 P Street
Sacramento, California 95814

2. Mary Miller
Department of Water Resources, Southern District
770 Fairmont Avenue, Suite 102
Glendale, California 91203-1035

From: Department of Water Resources

Subject: SCH #2004061133, Draft Environmental Impact Report for the Tehachapi East Afterbay Project, Kern County

The Division of Safety of Dams has reviewed the subject document for the proposed Tehachapi East Afterbay Project. The document indicates a proposed reservoir to be constructed east of the bifurcation of the East Branch and the West Branch of the California Aqueduct in Kern County.

Based on the information contained in the document, we have determined that the proposed reservoir will not be subject to State jurisdiction for dam safety. Our determination is based on the layout of the reservoir which will be constructed entirely by excavation below the original ground surface; as such, there will be no artificial barrier as defined by Section 6002 of the California Water Code. However, any future changes to the proposed afterbay configuration are subject to further review by this Division for jurisdictional determination.

1a

If you have questions regarding our comments, please contact Project Engineer Frank Fong at (916) 227-4626.



David A. Gutierrez, Acting Chief
Division of Safety of Dams
(916) 227-9800

Department of Water Resources, Division of Safety of Dams

October 1, 2004

- 1a** Thank you for providing your determination that the proposed reservoir would not be subject to State jurisdiction for dam safety.